UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,340	12/02/1999	BRADLEY CAIN	2204/179	2520

			EXAMINER
34845	7590	11/20/2003	WILSON, ROBERT W

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ART UNIT	PAPER NUMBER
2661	13

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/453,340	CAIN ET AL.
	Examiner	Art Unit
	Robert W Wilson	2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1-4,7-11,14-18, and 21-22*.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

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TECHNOLOGY CENTER 2600

Continuation of 2. NOTE: The examiner reviewed the after final amendment dated 11/10/2003 which raises new issues but was also not found to be persuasive. The examiner respectfully disagreed with the applicant's argument that Baruch does not describe or suggest the limitation in Claim 1 " associated with the first protocol and a priority level protocol."

Referring to Claim 1, Baruch teaches a method for forwarding a message between a first protocol and a second protocol (Forwarding messages between a non-ATM protocol or first protocol and ATM protocol or second protocol per Abstract) the method comprising: Associating with the first protocol a priority function for assigning a priority to the message (The non-ATM protocol has a service identifier or which defines per col 4 lines 13-67.) Invoking the priority function by the second protocol in order to determine the priority level for the message (Service Identifier in the NON-ATM PDU is utilized to determine CLP and DLP in the ATM cell per col 3 line 46-col 5 line 7) Forwarding the message along with an indication of the priority level of the message (ATM cell is forwarded with CLP or DLP or priority indicator per col 3 line 46-col 5 line 7)
Baruch does not particularly call for: forwarding a message but teaches forwarding of a non-ATM PDU per Abstract.
It would have been obvious to one of ordinary skill in the art at the time of the invention that forwarding the non-ATM PDU performs the same function as forwarding a message.

The examiner respectfully points out that the ATM PDU is the first protocol which can be Ethernet and the ATM is the second protocol. The CLP is the priority indicatior which is used by ATM to determine if the ATM packet is discard eligible. The service indicator is the priority indicator in the first protocol.

The examiner respectfully disagrees with the applicant's argument that "no message communication occurred between the ATM and non-ATM ptorocol" The non ATM PDU is inserted into the ATM cell for communiction over the ATM backbone per Figs 1 and 3.

The examiner respectfully disagrees with the applicant's argument that Baruch does not "forward indication of the priority level for the message". The CLP is the indication of the priority which is forwarded with the message.

The examiner respectfully disagrees with the applicant argument that Baruch does not teach " priority function" the applicant broadly claims "priority function" . The examiner interprets "priority function" as the asignment of CLP indicator per col 4 line 54-col 5 line 6 .

The examiner respectfully disagrees with the applicant's argument that the references do not teach a pointer. Baruch teaches table utilized in ATM. The IEEE Standard dictionary teaches teaches that (software) table is "a collection of data in which each item is uniquely identified by a label." It would have been obvious to one of ordinary skill in the art at the time of the invention that the label is a pointer. Consequently, the examiner believes that the rejection is reasonable and just and that the claims are not in condition for allowance.

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